

IN RE

MARISOL VIERA DIAZ

CASE NUMBER: 07-04943-ESL

Debtor(s)

CHAPTER 13

**TRUSTEE'S OBJECTION TO CLAIM NUMBER 10**  
**FILED BY CITIFINANCIAL INC**

TO THE HONORABLE COURT:

COMES NOW, Alejandro Oliveras-Rivera, Standing Chapter 13 Trustee, and very respectfully ALLEGES, STATES and PRAYS:

1. On January 11, 2008, claim number 10, was filed by CITIFINANCIAL INC in the amount of \$1,785.06. The Trustee objects to this claim under the following grounds.

FILED AFTER THE BAR DATE OF FRBP 3002(c) ELAPSED.

 Other:

2. Debtor is not a member of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidence by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.

WHEREFORE, it is respectfully requested from this Honorable Court to:

**DISALLOW THE AFOREMENTIONED CLAIM.**

**NOTICE:** Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bankr. P. 9006(f) if you were served by mail, any party in interest whom this objection has been served, or any other party to the action who objects the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the objection will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If you file a timely response, the Court may - in its discretion - schedule a hearing. Fed. R. Bankr. P. 3007; LBR 3007-1(c); 9013-1(h)(3).

**CERTIFICATE OF SERVICE:** I hereby certify that on this date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sends notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that the foregoing has been served to U.S. Trustee at [ustpregion21.hr.ecf@usdoj.gov](mailto:ustpregion21.hr.ecf@usdoj.gov) and by depositing true and correct copies thereof in the United States Mail, postage prepaid, to the non ECF/CM participants: debtor(s), creditor CITIFINANCIAL INC, PO BOX 70923 CHARLOTTE NC 282720923 and parties in interest that have filed notices of appearance, included in the service list attached to the original hereof.

RESPECTFULLY SUBMITTED at San Juan, Puerto Rico, this January 18, 2008.

S/ALEJANDRO OLIVERAS RIVERA  
ALEJANDRO OLIVERAS RIVERA  
Chapter 13 Trustee  
PO Box 9024062  
San Juan, PR 00902-4062  
Phone 787-977-3500 Fax 787-977-3521

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

MARILYN VALDES ORTEGA

PO BOX 195596  
HATO REY, PR 00919 -5596

ASOC RECREATIVA CIVICA

C/O VILLANUEVA LOPEZ LAW OFFICES  
PO BOX 10441  
SAN JUAN, PR 00922

MOVISTAR

C/O NCO FINANCIAL  
PO BOX 15391  
WILMINGTON, PR 19850

DORAL BANK

C/O SERGIO RAMIREZ DE ARELLANO  
PO BOX 9024253  
SAN JUAN, PR 00902 -4253

DIRECT LOAN SERVICE CENTER

PO BOX 5609  
GREENVILLE, TX 75403 -5609

CITIFINANCIAL

PO BOX 70919  
CHARLOTTE, NC 28272 -0919

MARISOL VIERA DIAZ  
URB EL CONQUISTADOR  
Q7 CALLE 14  
TRUJILLO ALTO, PR 00976

DATED: January 18, 2008

Page 1 of 1

- CASE

07-04943-ESL

DIANA ARROYO  
OFFICE OF THE CHAPTER 13 TRUSTEE

Department of Defense Manpower Data Center

JAN-18-2008 11:19:17



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

| Last Name  | First/Middle | Begin Date | Active Duty Status   | Service/Agency |
|------------|--------------|------------|--|----------------|
| VIERA DIAZ | MARISOL      |            | Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty. |                |

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

*Mary M. Snavely-Dixon*

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID: MZHODBQOEC